

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
 )  
Request for Review of the )  
Decision of the )  
Universal Service Administrator by )  
Welch Public Schools ) File No. SLD-301350  
Welch, Oklahoma )  
 )  
Federal-State Joint Board on ) CC Docket No. 96-45  
Universal Service )  
 )  
Changes to the Board of Directors of the ) CC Docket No. 97-21 ✓  
National Exchange Carrier Association, Inc. )

**ORDER**

**Adopted: February 10, 2003**

**Released: February 11, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Welch Public Schools (Welch), Welch, Oklahoma.<sup>1</sup> Welch seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), rejecting Welch's appeal on the grounds that it was untimely filed.<sup>2</sup> For the reasons set forth below, we affirm SLD's rejection and deny Welch's Request for Review.

2. SLD issued a Funding Commitment Decision Letter on September 9, 2002, approving Welch's request for discounted services under the schools and libraries universal service support mechanism.<sup>3</sup> Specifically, SLD approved Welch's request for discounts for Funding Request Numbers (FRNs) 863804, 863912, 864713.<sup>4</sup> On November 26, 2002, Welch filed an appeal of SLD's decision stating that SLD incorrectly listed the category of service for each of the FRNs at issue in the instant Request for Review as Internet Access instead of telecommunications

<sup>1</sup> Letter from R. C. McKeon, Welch Public Schools, to Federal Communications Commission, filed December 26, 2002 (Request for Review).

<sup>2</sup> See Request for Review; Letter from Schools and Libraries Division, Universal Service Administrative Company, to R. C. McKeon, Welch Public Schools, dated December 9, 2002 (Administrator's Decision on Appeal). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>3</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to R. C. McKeon, Welch Public Schools, dated September 9, 2002 (Funding Commitment Decision Letter).

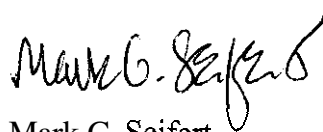
<sup>4</sup> *Id.*

services on its Form 471.<sup>5</sup> On December 9, 2002, SLD issued an Administrator's Decision on Appeal indicating that it would not consider Welch's appeal because it was received more than 60 days after the September 9, 2002 Funding Commitment Decision Letter ~~was~~ issued.<sup>6</sup> Welch subsequently filed the instant Request for Review with the Commission.

3. For requests seeking review of decisions issued on or after August 13, 2001 under section 54.720(b) of the Commission's rules, any such appeal must be filed with the Commission or SLD within 60 days of the issuance of the decision that the party seeks to have reviewed.<sup>7</sup> Documents are considered to be filed with the Commission or SLD only upon receipt.<sup>8</sup> Because the Welch's Request for Administrator Review was not filed within the requisite 60-day period, we affirm the Administrator's Decision on Appeal and deny the instant Request for Review.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Welch Public Schools, Welch, Oklahoma, on December 26, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>5</sup> Letter from R. C. McKeon, Welch Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed November 26, 2002 (Request for Administrator Review).

<sup>6</sup> Administrator's Decision on Appeal.

<sup>7</sup> 41 C.F.R. § 54.720(b). See *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (Com. Car. Bur. rel. December 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. December 28, 2001 and January 4, 2002).

<sup>8</sup> 41 C.F.R. § 1.7